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State of Minnesota

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HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 3420

February 25, 2008

Authored by Hilstrom

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs

March 11, 2008

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to local government; revising procedures and fees charged by county
1.3 registrars of title for registering supplemental declarations of common interest
1.4 communities; amending Minnesota Statutes 2006, sections 508.82, subdivision
1.5 1; 515B.1-116.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2006, section 508.82, subdivision 1, is amended to read:

1.8 Subdivision 1. **Standard documents.** The fees to be charged by the registrar of
1.9 titles shall be and not exceed the following:

1.10 (1) of the fees provided herein, \$1.50 of the fees collected under clauses (2), (3), (4),
1.11 (11), (13), (15), (17), and (18) for filing or memorializing shall be paid to the state treasury
1.12 pursuant to section 508.75 and credited to the general fund;

1.13 (2) for registering a first certificate of title, including issuing a copy of it, \$46.

1.14 Pursuant to clause (1), distribution of this fee is as follows:

1.15 (i) \$10.50 shall be paid to the state treasury and credited to the general fund;

1.16 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
1.17 subdivision 3; and

1.18 (iii) \$25.50 shall be deposited in the county general fund;

1.19 (3) for registering each instrument transferring the fee simple title for which a new
1.20 certificate of title is issued and for the registration of the new certificate of title, including
1.21 a copy of it, \$46. Pursuant to clause (1), distribution of this fee is as follows:

1.22 (i) \$12 shall be paid to the state treasury and credited to the general fund;

1.23 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
1.24 subdivision 3; and

1.25 (iii) \$24 shall be deposited in the county general fund;

2.1 (4) for the entry of each memorial on a certificate, \$46. For multiple certificate
 2.2 entries, \$20 thereafter. Pursuant to clause (1), distribution of this fee is as follows:
 2.3 (i) \$12 shall be paid to the state treasury and credited to the general fund;
 2.4 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
 2.5 subdivision 3;
 2.6 (iii) \$24 shall be deposited in the county general fund; and
 2.7 (iv) \$20 shall be deposited in the county general fund for each multiple entry used;
 2.8 (5) for issuing each residue certificate and each additional new certificate, \$40;
 2.9 (6) for exchange certificates, \$20 for each certificate canceled and \$20 for each
 2.10 new certificate issued;
 2.11 (7) for each certificate showing condition of the register, \$50;
 2.12 (8) for any certified copy of any instrument or writing on file or recorded in the
 2.13 registrar of titles' office, \$10;
 2.14 (9) for a noncertified copy of any certificate of title, other than the copies issued
 2.15 under clauses (2) and (3), any instrument or writing on file or recorded in the office of
 2.16 the registrar of titles, or any specified page or part of it, an amount as determined by the
 2.17 county board for each page or fraction of a page specified. If computer or microfilm
 2.18 printers are used to reproduce the instrument or writing, a like amount per image;
 2.19 (10) for a noncertified copy of any document submitted for recording, if the original
 2.20 document is accompanied by a copy or duplicate original, \$2. Upon receipt of the copy
 2.21 or duplicate original and payment of the fee, a registrar of titles shall return it marked
 2.22 "copy" or "duplicate," showing the recording date and, if available, the document number
 2.23 assigned to the original;
 2.24 (11) for filing two copies of any plat, other than a CIC plat complying with section
 2.25 515B.2-110, paragraph (c), in the office of the registrar, \$56. Pursuant to clause (1),
 2.26 distribution of this fee is as follows:
 2.27 (i) \$12 shall be paid to the state treasury and credited to the general fund;
 2.28 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
 2.29 subdivision 3; and
 2.30 (iii) \$34 shall be deposited in the county general fund;
 2.31 (12) for any other service under this chapter, such fee as the court shall determine;
 2.32 ~~(13) for filing an amendment to a declaration in accordance with chapter 515, \$46~~
 2.33 ~~for each certificate upon which the document is registered and for multiple certificate~~
 2.34 ~~entries, \$20 thereafter; \$56 for an amended floor plan filed in accordance with chapter~~
 2.35 ~~515;~~ (13) for filing any document affecting two or more units in a condominium governed
 2.36 by chapter 515, \$46 for the first certificate upon which the document is registered, and for

3.1 multiple certificate entries, \$20 for each additional certificate upon which the document
3.2 is registered. For purposes of this paragraph, an amendment to the declaration of a
3.3 condominium governed by chapter 515 and a related amendment to the condominium
3.4 floor plans shall be considered a single document, and the filing fee shall be \$56 for the
3.5 first certificate upon which the document is registered, and for multiple certificate entries,
3.6 \$20 for each additional certificate upon which the document is registered. Pursuant to
3.7 clause (1), distribution of this fee is as follows:

- 3.8 (i) \$12 shall be paid to the state treasury and credited to the general fund;
- 3.9 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
3.10 subdivision 3;
- 3.11 (iii) \$24 shall be deposited in the county general fund for amendment to a declaration;
- 3.12 (iv) \$20 shall be deposited in the county general fund for each multiple entry
3.13 used; and
- 3.14 (v) \$34 shall be deposited in the county general fund for an amended floor plan;
3.15 (14) for issuance of a CECT pursuant to section 508.351, \$40;
- 3.16 ~~(15) for filing an amendment to a common interest community declaration, including~~
3.17 ~~a supplemental declaration, and plat or amendment complying with section 515B.2-110;~~
3.18 ~~subsection (c), \$46 for the first certificate upon which the document is registered and for~~
3.19 ~~multiple certificate entries, \$20 thereafter and \$56 for the filing of the condominium or~~
3.20 ~~common interest community plat or amendment. See section 515B.1-116 for special~~
3.21 ~~requirement relating to a common interest community. (15) for filing a common interest~~
3.22 ~~community declaration and a CIC plat complying with section 515B.2-110, paragraph~~
3.23 ~~(c); an amendment to a common interest community declaration and a related amendment~~
3.24 ~~to a CIC plat complying with section 515B.2-110, paragraph (c); or a supplemental~~
3.25 ~~declaration and a related supplemental CIC plat complying with section 515B.2-110,~~
3.26 ~~paragraph (c), each of which related documents shall be considered a single document,~~
3.27 ~~the filing fee shall be \$56 for the first certificate upon which the document is registered,~~
3.28 ~~and for multiple certificate entries, \$20 for each additional certificate upon which the~~
3.29 ~~document is registered. For filing any other document affecting two or more units in a~~
3.30 ~~common interest community, the filing fee shall be \$46 for the first certificate upon which~~
3.31 ~~the document is registered, and for multiple certificate entries, \$20 for each additional~~
3.32 ~~certificate upon which the document is registered. The same fees shall apply to filing any~~
3.33 ~~document affecting two or more units or other parcels subject to a master declaration.~~

3.34 Pursuant to clause (1), distribution of this fee is as follows:

- 3.35 (i) \$12 shall be paid to the state treasury and credited to the general fund;

4.1 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
4.2 subdivision 3;

4.3 (iii) \$24 shall be deposited in the county general fund for the filing of an amendment
4.4 complying with section 515B.2-110, subsection (c);

4.5 (iv) \$20 shall be deposited in the county general fund for each multiple entry
4.6 used; and

4.7 (v) \$34 shall be deposited in the county general fund for the filing of a condominium
4.8 or CIC plat or amendment;

4.9 (16) for a copy of a condominium floor plan filed in accordance with chapter 515,
4.10 or a copy of a common interest community plat complying with section 515B.2-110,
4.11 subsection (c), the fee shall be \$1 for each page of the floor plan or common interest
4.12 community plat with a minimum fee of \$10;

4.13 (17) for the filing of a certified copy of a plat of the survey pursuant to section
4.14 508.23 or 508.671, \$46. Pursuant to clause (1), distribution of this fee is as follows:

4.15 (i) \$12 shall be paid to the state treasury and credited to the general fund;

4.16 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
4.17 subdivision 3; and

4.18 (iii) \$24 shall be deposited in the county general fund;

4.19 (18) for filing a registered land survey in triplicate in accordance with section
4.20 508.47, subdivision 4, \$56. Pursuant to clause (1), distribution of this fee is as follows:

4.21 (i) \$12 shall be paid to the state treasury and credited to the general fund;

4.22 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
4.23 subdivision 3; and

4.24 (iii) \$34 shall be deposited in the county general fund; and

4.25 (19) for furnishing a certified copy of a registered land survey in accordance with
4.26 section 508.47, subdivision 4, \$15.

4.27 Sec. 2. Minnesota Statutes 2006, section 515B.1-116, is amended to read:

4.28 **515B.1-116 RECORDING.**

4.29 (a) A declaration, bylaws, any amendment to a declaration or bylaws, and any other
4.30 instrument affecting a common interest community shall be entitled to be recorded. In
4.31 those counties which have a tract index, the county recorder shall enter the declaration in
4.32 the tract index for each unit or other tract affected. The county recorder shall not enter
4.33 the declaration in the tract index for lands described as additional real estate, unless such
4.34 lands are added to the common interest community pursuant to section 515B.2-111. The
4.35 registrar of titles shall file the declaration in accordance with section 508.351 or 508A.351.

5.1 The registrar of titles shall not file the declaration upon certificates of title for lands
5.2 described as additional real estate, unless such lands are added to the common interest
5.3 community pursuant to section 515B.2-111.

5.4 (b) The recording officer shall upon request promptly assign a number (CIC number)
5.5 to a common interest community to be formed or to a common interest community
5.6 resulting from the merger of two or more common interest communities.

5.7 (c) Documents recorded pursuant to this chapter shall in the case of registered
5.8 land be filed, and references to the recording of documents shall mean filed in the case
5.9 of registered land.

5.10 (d) Subject to any specific requirements of this chapter, if a recorded document
5.11 relating to a common interest community or a master association purports to require a
5.12 certain vote or signatures approving any restatement or amendment of the document by a
5.13 certain number or percentage of unit owners or secured parties, and if the amendment or
5.14 restatement is to be recorded, an affidavit of the president or secretary of the association
5.15 stating that the required vote or signatures have been obtained shall be attached to the
5.16 document to be recorded and shall constitute prima facie evidence of the representations
5.17 contained therein.

5.18 ~~(e) If a common interest community is located on registered land, the recording~~
5.19 ~~fee for any document affecting two or more units shall be \$46 for the first ten affected~~
5.20 ~~certificates and \$10 for each additional affected certificate. This provision shall not apply~~
5.21 ~~to recording fees for deeds of conveyance, with the exception of deeds given pursuant~~
5.22 ~~to sections 515B.2-119 and 515B.3-112. The same fees shall apply to recording any~~
5.23 ~~document affecting two or more units or other parcels of real estate subject to a master~~
5.24 ~~declaration.~~

5.25 ~~(f)~~ (e) Except as permitted under this subsection, a recording officer shall not file
5.26 or record a declaration creating a new common interest community, unless the county
5.27 treasurer has certified that the property taxes payable in the current year for the real estate
5.28 included in the proposed common interest community have been paid. This certification
5.29 is in addition to the certification for delinquent taxes required by section 272.12. In the
5.30 case of preexisting common interest communities, the recording officer shall accept,
5.31 file, and record the following instruments, without requiring a certification as to the
5.32 current or delinquent taxes on any of the units in the common interest community: (i) a
5.33 declaration subjecting the common interest community to this chapter; (ii) a declaration
5.34 changing the form of a common interest community pursuant to section 515B.2-123; or
5.35 (iii) an amendment to or restatement of the declaration, bylaws, or CIC plat. In order for

- 6.1 an instrument to be accepted and recorded under the preceding sentence, the instrument
- 6.2 must not create or change unit or common area boundaries.